

ORDINANCE NO. 2096

INTRODUCED BY: AMADOR, BULLOCK, CARSON, DIAZ, DOUGLAS, ELLIOTT, FORD,
TETER

AN ORDINANCE AMENDING SECTION 5-4500 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO PROVIDE FOR THE ADOPTION BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY OF THE 2014 NATIONAL ELECTRIC CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Section 5-4500 shall be amended to read as follows:

Sec. 5-4500. Adoption of National Electric Code.

The City of Commerce City adopts the 2014 National Electric Code (N.F.P.A. 70), including all standards contained therein ("NEC"). Copies of such code are on file in the city clerk's office and may be inspected during regular business hours.

SECTION 2. This amendment shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby amended prior to this ordinance taking effect.

SECTION 3. Any person who violates, disobeys, omits, neglects, refuses or fails to comply with or resists the enforcement of the NEC, as amended herein, shall be subject to the enforcement and remedy provisions contained in the NEC and the enforcement, remedy, and penalty provisions of the City's municipal code, as such may be amended from time to time. The general penalties currently set forth in the City's municipal code are as follows:

Sec. 1-3003. Penalties in general.

(a) *Misdemeanors.* Except as specified below, any person who violates, disobeys, omits, neglects, refuses or fails to comply with or resists the enforcement of any provision of this Code, the charter, or any provision of any code or other regulation adopted by reference shall be guilty of a misdemeanor and, upon conviction, shall be punished by the penalty specifically provided for such violation or, if none, then by a fine not to exceed the maximum fine permitted pursuant to C.R.S. § 13-10-113, as may be amended from time to time, or imprisonment for a term not to exceed one (1) year, or by both such fine and imprisonment, in addition to any costs which may be assessed. Notwithstanding the foregoing, no person under the age of eighteen (18) years as of the date of the offense shall be subject to imprisonment.

- (b) *Traffic infractions.* The violation of any of the following sections of the Commerce City Traffic Code shall constitute a misdemeanor and shall be punishable in accordance with paragraph (a) of this section: 238 (Blue and red lights - illegal use or possession); 606 (Display of unauthorized signs or devices); 607(2)(a) (Interference with official devices), but only if the use proximately causes bodily injury to another person; 611(2) (Paraplegic persons or persons with disabilities - distress flag); 705(2), (2.5), and (2.6) (Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle); 1008.5 (Crowding or threatening bicyclist); 1105(1), (2), (3), and (8) (offenses related to speed contests and exhibitions), 1208(11) (fraudulently obtaining, using or making disability placards); 1401 (Reckless driving); 1402 (Careless driving), but only if the violation proximately causes the death or bodily injury to another person); 1409 (Compulsory Insurance); 1413 (Eluding or attempting to elude a police officer); and 1415 (Radar jamming devices prohibited). The violation of any other provision of the Commerce City Traffic Code shall constitute a traffic infraction. Any person convicted of a traffic infraction shall be subject to the penalty of a fine and any surcharge, the total of which shall not exceed the maximum fine permitted pursuant to C.R.S. § 13-10-113, as may be amended from time to time, but shall not be subject to imprisonment.
- (c) *Civil infractions.* Any person convicted of violating any provision of this Code designated as a civil infraction shall pay a civil penalty for such infraction of not more than the maximum fine permitted pursuant to C.R.S. § 13-10-113, as may be amended from time to time, and may be required to pay all costs, direct and indirect, which the city incurred in connection with the civil infraction, including the cost of abating a nuisance, but shall not be subject to imprisonment except as provided in paragraph (d) of this section.
- (d) *Multiple civil infractions.* If a person who is alleged to have committed a violation of any provision of this Code that is classified as a civil infraction has been convicted of two (2) or more such violations within the twelve-month period immediately preceding the new alleged violation, then, whether or not the previous violations were committed at the same premises as the new alleged violation, the new alleged violation may be charged as a misdemeanor criminal offense that is subject to a penalty or imprisonment, costs, fees and any other orders imposed in accordance with this Code.

SECTION 4. This Ordinance shall take effect on July 1, 2016.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS
2ND DAY OF MAY, 2016.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS
6TH DAY OF JUNE, 2016.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk